

THE HONORABLE MARVIN J. GARBIS
UNITED STATES DISTRICT JUDGE
DISTRICT OF MARYLAND

RECEIVED
IN THE CHAMBERS OF
MARVIN J. GARBIS

MAY 16 2018

101 WEST LOMBARD STREET - CHAMBERS 5C UNITED STATES DISTRICT COURT
BALTIMORE, MARYLAND 21201

RE: UNITED STATES V. HAROLD T. MARTIN, III

CRIM. NO. MJG-17-0069

SUBJ: UNITED STATES RESPONSE TO DEFENDANT PRO SE MOTION
FOR RETURN OF PROPERTY.

DEAR JUDGE GARBIS:

THE DEFENDANT SEEKS TO REPLY TO THE GOVERNMENT
RESPONSE TO THE PRO SE MOTION FILED FOR RETURN OF THE
DEFENDANT'S PROPERTY, WHILE ACKNOWLEDGING THE COURT'S
MEMORANDUM AND ORDER REGARDING SAME, DATED THE
28TH OF APRIL, 2018.

THE DELAY IN REPLY BY THE DEFENDANT HAS BEEN
DUE TO THE TIME EXPENDED TO GATHER AN ADEQUATELY
DETAILED AFFIDAVIT FROM A WITNESS TO THE SEIZURE
OF PROPERTY DURING / AFTER THE RAID CONDUCTED ON
AUGUST 28TH, 2016 (JEWELRY COVERED UNDER PARAGRAPH 5.A OF THE
ORIGINAL MOTION), AND ALSO THE INITIATION OF THE CORRECT
PROCEDURE FOR RETURN OF OTHER ITEMS UNDER THE REQUEST
(FIREARMS COVERED UNDER PARAGRAPH 5.B). AT THIS TIME,
THE PERSONAL COMPUTERS COVERED UNDER PARAGRAPH 5.C ARE
NOT IN CONTENTION; RETURN AFTER PROCEEDINGS IS ACCEPTABLE.

PAGE 2

THIS LETTER WILL ADDRESS THOSE ITEMS IN REVERSE ORDER,
DUE TO THE STATE OF AGREEMENT WITH RESPECT TO THE CURRENT
DISPOSITION OF EACH SET OF ITEMS (S.A, S.B, S.C).

PERSONAL COMPUTERS (S.C). THE THREE DELL LAPTOPS (PRECISION
WORKSTATION M6800, XPS 16400, INSPIRON MINI-10) CAN BE RETURNED
AT THE END OF PROCEEDINGS. IT SHOULD BE NOTED THAT ANY
COMPETENT FORENSIC LABORATORY WOULD ENSURE THAT RELIANCE
ON HARDWARE WAS NOT REQUIRED, I.E., BY CREATION OF VIRTUAL
IMAGES OF ALL DESKS AND PRESERVING ALL DATA IMMEDIATELY
AFTER SEIZURE, SHOULD THE HARDWARE DEGRADE OR DESTROY.
IT IS A MOOT POINT, HOWEVER, AND NOT AT ISSUE.

PERSONAL FIREARMS (S.B). THE CORRECT PROCEDURE, INCLUDING
AUTHORIZATIONS, WAS BEGUN AFTER PRO SE REQUEST BY DEFENDANT,
PLUS LETTER TO THE COURT, DATED 16 DECEMBER, 2017. UPON THE
COURT'S INSTRUCTION FOR RESOLUTION, MOVEMENT OCCURRED
DURING THE FEBRUARY-MARCH TIME FRAME, AND FINAL RESOLUTION
IS EXPECTED SHORTLY. NOTED AND RECOGNIZED ALSO ARE THE
STRAIGHTFORWARD AND FORTHRIGHT ACTIONS OF FBI SA LAURA PEGO,
REFLECTING EXEMPLARY PROFESSIONALISM AND INTEGRITY IN
HANDLING THIS MATTER. SHE IS TO BE COMMENDED.

PERSONAL JEWELRY (S.A) THE DEFENDANT AND THE GOVERNMENT MAY
HAVE TO 'AGREE TO DISAGREE' WITH REGARDS TO THESE ITEMS (WEDDING
RING, SIGNET RING, NICKEL BACK). THE EFFUSIVE AND VETOOPERATIVE TONE,
ALONG WITH THE PATENT INACCURACY OF THE REPLY, CLAIMING IMPERTUNING
BY THE DEFENDANT, NECESSITATES A RESPONSE.

DURING THE POST-RAID EXCITEMENT AND REORIENTATION, SOME FUMBLING AND MISTEPS MAY HAVE OCCURRED; IT WOULD NOT BE HISTORICALLY UNIQUE. THE MEDICATION OF THE DEFENDANT, FOR EXAMPLE, WAS INCORRECTLY DESCRIBED. IT IS INDICATIVE OF PERHAPS UNINTENTIONAL NEGLIGENCE, OVERSIGHT WITH REGARD TO DETAIL, AND IN ANY EVENT, IT IS SIMPLY MISTAKEN (THE GOVERNMENT REPLY TO DEFENDANT'S MOTION).

THE 'BLOOD PRESSURE' MEDICATION REFERRED TO WAS ACTUALLY WARFARIN, A BLOOD THINNER, AS THE DEFENDANT HAD AN OCCURRENCE OF DEEP VEIN THROMBOSIS (DVT) BLOOD CLOTTING IN THE LATE FALL OF 2015 AND WAS UNDER CARE OF A MEDICAL DOCTOR, ALONG WITH A TREATMENT CLINIC FOR THIS CONDITION. THE DEFENDANT ALSO HAD A SECOND MEDICATION, CONCERTA, FOR ADULT ATTENTION DEFICIT/HYPERACTIVITY DISORDER (ADHD), THAT WAS ALSO UNDER PRESCRIPTION BY A MEDICAL DOCTOR (PSYCHIATRIST). THE MEDS WERE REFUSED AT INTAKE BY THE MARSHALL'S SERVICE IN BALTIMORE, AS A MATTER OF PROTOCOL, WHICH IS COMPLETELY UNDERSTANDABLE, GIVEN THE INABILITY TO VERIFY THE ORIGIN OF OPEN CONTAINERS OF RESTRICTED PRESCRIPTION-ONLY PHARMACEUTICALS.

IRREGARDLESS, THE SUBJECT OF THE LOCATION AND DISPOSITION OF THE DEFENDANT'S JEWELRY MAY REMAIN AT ISSUE; IT IS STILL MAINTAINED THAT THE DEFENDANT WAS INSTRUCTED TO SURRENDER THESE ITEMS AFTER BEING REMOVED FROM HIS RESIDENCE DURING THE AUGUST 27, 2016 RAID, AND HE HAS AWARENESS TO THAT EFFECT.

THE HONORABLE MARVIN J. GARBER

UNITED STATES DISTRICT COURT
Case 1:17-cr-00069-MJG Document 109-1 Filed 03/17/18, Page 4 of 4
MAY 11, 2018
PAGE 4

THE DEFENDANT THANKS THE COURT FOR ITS TIME
AND ATTENTION TO THESE ITEMS, IN LIGHT OF THE OVERALL
ISSUES AT HAND.

RESPECTFULLY,

151

HAROLD T. MARTIN, III
DEFENDANT

CC: JAMES WYDA, ESQ.

DEBORAH BODROMAN, ESQ.

ZACHARY MYERS, ESQ.

HARVEY EISENBERG, ESQ.